

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

BOYD GILMORE,

Plaintiff,

v.

Civil Action No. 2:09-cv-1075

CORRECTIONAL MEDICAL SERVICES, INC.,  
DR. ALLEN, CMS Regional Director,  
MARY WESTFALL, Administrator CMS,  
DR. EBEN OBENZA, Mt. Olive C.C.  
Physician for CMS, WEXFORD HEALTH  
SOURCES, DR. RAY IGLECIA, Wexford  
Regional Director, NAOMI ROBERTS,  
Wexford Administrator, JAMES  
RUBENSTEIN, WV Commissioner for  
Division of Corrections, CHARLENE  
SOTAK, Grievance Coordinator WV  
DOC, and DAVID BALLARD, Warden, Mt.  
Olive Correctional Complex,

Original Defendants,

and

DR. P. PASCASIO, JOEL FULTON, WILLIAM  
FOX, DON SPRINGSTON, AMANDA BELLS, DR.  
LOUDEN, WEST VIRGINIA DIVISION OF  
CORRECTIONS and DR. K. WINTERS,

Supplemental Defendants.

MEMORANDUM OPINION AND ORDER

This action was previously referred to Mary E. Stanley,  
United States Magistrate Judge, who has submitted her Proposed  
Findings and Recommendation pursuant to the provisions of 28  
U.S.C. § 636(b)(1)(B).

The court has reviewed the Proposed Findings and Recommendation entered by the magistrate judge on July 15, 2010. The magistrate judge makes the following recommendations:

1. That the motions to dismiss of Wexford Health Services and Naomi Roberts; Correctional Medical Services, Inc., Dr. Mark Allen and Mary Westfall; and David Ballard, James Rubenstein and Charlene Sotak be granted;
2. That plaintiff's complaint against defendants Dr. Eben (Ebenezer) Obenza and Dr. Ray Iglecia be dismissed for failure to state a claim; and
3. That the supplemental complaint in this matter be transferred to the United States District Court for the Northern District of West Virginia for further action against the defendants named in the supplemental complaint.

The parties have not objected to the Proposed Findings and Recommendation. The court concludes the recommended disposition is correct.

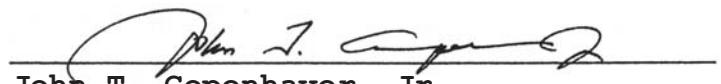
Accordingly, it is ORDERED that:

1. The Proposed Findings and Recommendation be, and it hereby is, adopted by the court;

2. The above-named original defendants be, and they hereby are, dismissed from this case; and
3. The supplemental complaint be, and it hereby is, transferred to the United States District Court for the Northern District of West Virginia.

The Clerk is directed to forward copies of this written opinion and order to the pro se plaintiff, all counsel of record, and the United States Magistrate Judge.

DATED: August 13, 2010



John T. Copenhaver, Jr.  
United States District Judge